



Nursing Home Weekly: Recap of LeadingAge Updates

July 16, 2021

Coronavirus Update Call for July 19. LeadingAge members want new ways to boost their employee culture and build trust and teamwork within their teams during the pandemic. Join us on our Monday, July 19, Coronavirus Update Call as we hear from workplace culture expert Cara Silletto. She will share her expertise to share how LeadingAge members can build confidence and trust around COVID-19 vaccines as well as how to create an organizational culture that can withstand the strains of COVID-19 and beyond. If you haven't registered for the calls, you can [join us here](#).

HRSA Confirms Providers Can Opt to Use Provider Relief Funds solely for Lost Revenues. LeadingAge received confirmation today from HRSA that a provider could choose to report no expenses for PRF reporting and use PRF solely for their lost revenues related to coronavirus. Nicole has written an [article](#) that highlights 5 things providers should know related to PRF reporting on lost revenues including this latest news. Please let Nicole know what questions you are getting from members on PRF. Reminder: Please share information about the [upcoming LeadingAge webinar on July 27](#), which will focus on Complying with the PRF Reporting Requirements.

Physician Fee Schedule Rule Released. The annual rule updating the physician fee schedule was released yesterday and can be found [here](#). The fact sheet can be found [here](#). Comments are due on September 13, 2021. CMS is seeking feedback on health equity data collection, expands telehealth and other telecommunications technology for mental and behavioral health, proposes to allow certain services to remain billable via telehealth through 2023 as a glide path to allow for more evaluation time, implements new modifiers related to Part B therapy for physical and occupational therapy, implements direct payment to physician assistants under Part B starting in Jan 2022, is asking for feedback on reimbursement for delivery of vaccine and monoclonal antibody treatments, and codifies that allowable practitioners employed by FQHC and RHCs can bill under those payment systems for hospice attending physician services.

Senators Kaine, Casey, Hassan, Duckworth, Reed, Wyden, Gillibrand, and Rosen introduce the Supporting Our Direct Care Workforce and Family Caregivers Act. The bill directs the Department of Health and Human Services, through the Administration on Community Living (ACL), to award grants to states or other eligible entities for initiatives to build, retain, train, and otherwise promote the direct care workforce, including self-directed workers and direct care supervisors or managers, and to provide grants for states or other eligible entities for educational and training support for both paid and unpaid family caregivers. It also directs ACL to develop a center to offer technical assistance to grant awardees and other entities interested in direct care workforce development and in supporting family caregivers, aimed at collaboration across federal agencies. The press release can be found [here](#) and the bill text is [here](#).

The Ways and Means Committee Releases Infrastructure Equity Memo. The co-chairs of the Ways and Means racial equity initiative (Representatives Sewell, Gomez, and Horsford) released their initial infrastructure recommendations. The memo can be found [here](#).

Senate Leadership Agree to \$3.5T Infrastructure Package. The agreement announced by Senate leadership and Senate Budget Democrats late on July 13 includes investments for home and community-based services, affordable housing, and expanding Medicare to include hearing, dental, and vision benefits. However, the details of these and other provisions that may benefit older adults and aging services provider are either unknown or to be determined. On July 14, President Biden rallied the Senate Democrat caucus, urging unanimous support for the \$3.5T agreement. This level of support will be needed to secure passage of the budget reconciliation instructions that will dictate the size and terms of the infrastructure package. Meanwhile, House and Senate committees are feverishly working to develop the legislative details that will eventually be pulled together as one \$3.5T package. See more in this [article](#).

Direct Care Demonstration Secures Funding in House Appropriations Committee Report. Today, the House Appropriations Committee released its report language accompanying its fiscal year 2022 Labor, Health and Human Services, Education, and Related Agencies appropriations bills. The funding bill includes a LeadingAge priority: a \$3 million allocation to implement a Direct Care Workforce Demonstration. At the request of LeadingAge, Rep. Susie Lee (D-NV), a member of the House Committee on Appropriations, championed the Direct Care Workforce Demonstration in her list of priorities for the fiscal year. LeadingAge also worked with the House Committee on Education and Labor Chairman Bobby Scott (D-VA), who included the project in his annual budget letter to the appropriators. LeadingAge will continue to advocate for the Direct Care Demonstration Project to remain in the bill as it moves to the full committee and the Floor. An article is available [here](#).

Summary of July 14 Interview with Dr. Dumyati on the Delta Variant. Dr. Ghinwa Dumyati, an infectious disease physician and Professor of Medicine at the University of Rochester Medical Center, joined the LeadingAge Coronavirus Update call on July 14. She responded to questions from call moderator Joe Franco and from callers. A summary of Dr. Dumyati's interview is [here](#).

Rep. Smucker Introduces Legislation that Creates a New Visa to Address Workforce Shortages. Rep. Lloyd Smucker (R-PA), has re-introduced legislation, the Workforce for an Expanding Economy Act ([H.R. 4288](#)), that would develop a new H-2C visa classification to fill non-seasonal, non-agricultural opportunities for work that does not require a college degree. The new visa program would ensure that legal foreign-born essential workers can enter the U.S. on a temporary basis and help employers address chronic workforce shortages. Current immigration law provides no year-round temporary worker visa for non-agricultural businesses. The legislation will help level the playing field for sectors such as home health care and aging services providers, as well as construction, retail, and hospitality. LeadingAge supports H.R. 4288 and will continue to work to ensure that this proposal is also part of the current debate on potential solutions to our nation's immigration policy.

Deadline to Submit Comments on OSHA Emergency Temporary Standard Extended. OSHA is extending the deadline to submit comments on the recent OSHA [emergency temporary standard](#) (ETS) for healthcare settings. The new deadline to submit comments is now **August 20, 2021**. LeadingAge has a complimentary [virtual update on the OSHA Emergency Temporary Standard](#) for healthcare settings on our Learning Hub. This [summary of the ETS](#) outlines its requirements, most of which providers are

already doing in addressing the COVID-19 pandemic. OSHA has also created many tools on its [resources page](#) to assist employers in compliance.

NHSN updates delayed: As we announced previously, NHSN was scheduled to make several updates to the COVID-19 Long-term Care Facility module last week on July 8. These updates were delayed and have not yet taken place. No timeline when the updates will occur. Please continue to report on all required data elements until that time.

Medicaid Issues New Guidance on Non-Emergency Medical Transportation. [This Informational Bulletin](#) highlights for states important details of provisions added by the Consolidated Appropriations Act, 2021 concerning Medicaid coverage of certain medical transportation. This provision codifies in statute the longstanding regulatory interpretation of section 1902(a)(4) of the Social Security Act (the Act) that generally requires states to assure necessary transportation for beneficiaries to and from covered services. This provision of the Consolidated Appropriations Act, 2021, also added new requirements for a state's Medicaid transportation program.

Senators Bennet and Baldwin send letter to HHS and CMS on inclusive end of life care. Senators Bennet and Baldwin sent an important letter to Secretary Becerra and Administrator Brooks-LaSure requesting a review of issues facing LGBTQIA older adults, including those who are seriously ill or at the end of life. Read more [here](#).

House Appropriations Subcommittee Approves FY22 Labor-HHS Funding Bill. Today, the House Labor-H Appropriations Subcommittee approved its FY22 funding bill. The bill provides a total of \$119.8 billion for HHS, an increase of \$22.9 billion above the FY21 enacted level. Within CMS, **the bill would provide** an increase of \$74.8 million above the FY21 enacted level for State Survey and Certification activities to “strengthen improvement efforts, increase health and safety inspections of nursing home facilities, and ensure that long-term care and other facilities have proper infection controls in place.” The bill also includes a total of \$10.6 billion for CDC, an increase of \$2.7 billion above the FY21 enacted level. **For the Administration on Community Living, the bill would provide** \$1.4 billion for Senior Nutrition programs, an increase of \$436 million above the FY21 enacted level, and \$551 million for Home and Community-based Supportive Services, an increase of \$158 million above the FY21 enacted level. For DOL, the bill includes \$11.6 billion for the Employment and Training Administration, an increase of \$1.6 billion above the FY 2021 enacted level. Within this amount, the bill includes \$3.1 billion for Workforce Innovation and Opportunity Act State Grants, an increase of \$250 million above the FY21 enacted level. The full House Appropriations Committee will vote on the bill on July 16. More information is [here](#).

New Resources: Develop Your Organization's Governance Strategy. Strong governance drives success and sustainability. And those of us who work in the aging services sector know there's never been a more important time to bolster our organization's strength. That's why LeadingAge is rolling out a new package of governance materials designed for aging services. Our resources directly address the unique challenges and opportunities our members face. You can count on the Governance Resources for Aging Services to deliver everything you need for smart, strategic Board planning.

Today, we're releasing the first of four self-guided resources that cover critical aspects of your governance priorities. As many of you are planning annual strategic work with your Boards, this is the perfect time to access the first resource bundle, Imagining and Advancing. LeadingAge members receive

50% off the purchase price—and early adopters save even more. [Learn more and begin your strategic planning today.](#)

Deadline Approaching: Apply to the LeadingAge Leadership Academy. Now more than ever, the field of aging services needs reflective and forward-thinking leaders. That’s why the LeadingAge Leadership Academy exists—to give new, aspiring, and seasoned professionals the foundation to build self-confidence through reflective practice. Participants reap benefits from the very first gathering, gaining tools, ideas, and learnings they can leverage to strengthen their own leadership capacity and make their organizations more adaptive and innovative. The program has propelled 500+ alumni to serve on state and national boards, present at conferences across the country, step into high-profile leadership roles, and create innovative ways to better address the needs of an aging society. [Start your application today.](#)

Feeling Valued Because They Are Valued: A Vision for Direct Care Professionals. Professional caregivers—including nursing assistants, personal care aides, and home health aides—have always played an important role in the field of long-term services and supports (LTSS). And the coronavirus pandemic shed new—and much-needed—light on the valuable role these professionals play in nursing homes, assisted living communities, and home and community-based settings across our nation. Last week, LeadingAge released a new paper, [Feeling Valued Because They Are Valued](#), laying out our vision for professionalizing the direct caregiving workforce. Read the [full report](#), the two-page [executive summary](#), or check out the [infographic](#) now.

Why You Should Prioritize Creating and Maintaining Outdoor Spaces. Being in nature—or simply being able to view it—can reduce stress, decrease cortisol levels, and even lower blood pressure. With summer in full swing, now is the time to think about how your community can construct or optimize outdoor areas that deliver big benefits. This [11-minute QuickCast](#) can help you get started, with expert tips about what to consider when planning or renovating spaces. Free to access for LeadingAge members.